

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
KINGVISION PAY-PER-VIEW CORP., LTD.,	)	
	)	
Plaintiff,	)	CIVIL ACTION
	)	NO.: 05-10264-WGY
v.	)	
	)	
ELYNOR WALCOTT and WALLY’S CAFE, INC.)	)	
D/B/A WALLY’S CAFE,	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANTS’ INITIAL DISCLOSURE**  
**PURSUANT TO FED.R.CIV.P. 26(a)(1) AND LOCAL RULE 26.2(A)**

Defendants Elynor Walcott (“Ms. Walcott”) and Wally’s Cafe, Inc. (“Wally’s Cafe”) hereby provide the following initial disclosure of information pursuant to Fed.R.Civ.P. 26(a)(1) and Local Rule 26.2(A). The following disclosures are made based upon the facts known to the defendants at this time, and the defendants reserve the right to supplement or amend this Disclosure, if necessary, as additional facts are discovered. The defendants further reserve the right to object to the admissibility of any facts or documents disclosed herein at the time of trial in accordance with the Federal Rules of Evidence.

**A. Fed.R.Civ.P. 26(a)(1)(A)**  
**Individuals Likely to have Discoverable Information**  
**Relevant to Disputed Facts.**

The following individuals are likely to have discoverable information relevant to disputed facts in this case:

1. Codey Waller, Plaintiff's investigator, last known address: c/o P.O. Box 250, Revere, Massachusetts 02151; knowledge concerning the basis of plaintiff's alleged claims against defendants Ms. Walcott and Wally's Cafe.
2. Elynor Walcott, c/o Wally's Cafe, Inc., 427 Massachusetts Avenue, Boston, Massachusetts 02118; knowledge concerning all relevant facts and the business operations of Wally's Cafe.
3. Frank Poindexter, Jr., c/o Wally's Cafe, Inc., 427 Massachusetts Avenue, Boston, Massachusetts 02118; knowledge concerning all relevant facts and the business operations of Wally's Cafe.
4. Employee(s) of Wally's Cafe, identities to be determined; may have knowledge concerning the incident alleged by the Plaintiff.
5. Patron(s) of Wally's Cafe, identities to be determined; may have knowledge concerning the incident alleged by the Plaintiff.

Defendants reserve the right to include all witnesses disclosed by Plaintiff.

**B. Fed.R.Civ.P. 26(a)(1)(B)**  
**Documents and Tangible Things in Defendant's Possession, Custody or Control Relevant to the Disputed Facts.**

Documents or tangible things relevant to disputed facts in this case and in Defendant's possession, custody or control are listed below and are attached hereto.

1. Affidavit of Codey Waller, Plaintiff's Investigator, dated March 12, 2003.
2. Checklist (undated) of Codey Waller, Plaintiff's Investigator, including alleged exterior photograph of Wally's Cafe.
3. Various 2004 and 2005 Comcast invoices for Wally's Cafe.
4. Boston Fire Department Assembly Permit issued to Wally's Cafe.
5. Wally's Cafe business card.

**C. Fed.R.Civ.P. 26(a)(1)(C)**  
**Computation of Damages.**

Defendants contend that the Plaintiff is not entitled to any damages in this action.

**D. Fed.R.Civ.P. 26(a)(1)(D)  
Insurance Agreements.**

None.

The defendants reserve the right to supplement or amend this Initial Disclosure, if necessary, as discovery in this case proceeds.

ELYNOR WALCOTT and  
WALLY'S CAFE, INC.,

By their attorney,

/s/ Kimberly Y. Jones  
Kimberly Y. Jones (BBO# 632663)  
Looney & Grossman LLP  
101 Arch Street  
Boston, MA 02110  
(617) 951-2800

August 12, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2005, I served a true copy of the foregoing pleading upon all parties hereto by electronically, via facsimile, or by mailing a copy thereof, properly addressed to:

Gary D. Berkowitz, Esq.  
One James Street  
Providence, RI 02903

/s/ Kimberly Y. Jones  
Kimberly Y. Jones